



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 28, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bradley A. Smith
Stephen M. Hoersting
Center for Competitive Politics
1800 Diagonal Road
Suite 600
Alexandria, VA 22314

William H. "Chip" Mellor
Steven Simpson
Paul M. Sherman
Institute for Justice
901 North Glebe Road
Suite 900
Arlington, VA 22203

RE: Advisory Opinion Request 2007-32

Dear Messrs. Smith, Hoersting, Mellor, Simpson, and Sherman:

This letter responds to your letters received on November 19, 27, and 29, 2007, requesting an advisory opinion on behalf of SpeechNow.org.

On January 22, 2008, the Commission released for public comment Agenda Document No. 08-04, which contains a draft advisory opinion responding to your request. Under the Federal Election Campaign Act of 1971, as amended ("the Act"), the affirmative vote of 4 members of the Commission is required in order for the Commission to render an advisory opinion. *See* 2 U.S.C. 437c(c) and 437d(a)(7); *see also* 11 CFR 112.4(a). As you know, the Commission currently has only two members. On January 24, 2008, the Commission discussed Agenda Document No. 08-04 and voted 1-1 on a motion to approve the draft. Thus, the Commission was unable to render an opinion in this matter.

A draft advisory opinion that is identical to Agenda Document No. 08-04, but contains technical amendments to citations, is enclosed for your convenience. Neither this document nor Agenda Document No. 08-04 should be considered an advisory opinion by the Commission or any of its employees because the Commission may issue such an opinion only in accordance with specific provisions of the Act. *See* 2 U.S.C. 437f(b). Also enclosed for your convenience is the Dissenting Opinion of Chairman David M. Mason in Advisory Opinion Request 2007-32.

Accordingly, you are hereby advised that the Commission has concluded its review of Advisory Opinion Request 2007-32. You are not precluded from resubmitting the same or a similar request for an advisory opinion at such time as the Commission is able to take action on advisory opinion requests.

Sincerely,

A handwritten signature in black ink that reads "Rosemary C. Smith". The signature is written in a cursive, flowing style.

Rosemary C. Smith
Associate General Counsel

Enclosures